



AUSTIN CITY COUNCIL  
MINUTES

REGULAR MEETING  
THURSDAY, JUNE 24, 2004

Invocation: Rev. Jacqueline Baker, Central Christian Church

**The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, June 24, 2004 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.**

Mayor Wynn called the Council Meeting to order at 10:15 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote.

1. Approval of minutes from the meeting of June 17, 2004.  
**The minutes from the regular meeting of June 17, 2004 were approved.**
2. Approve an ordinance waiving certain development application, review, and permit fees and certain dual feed service fees and authorizing the reimbursement of certain development application, review, and permit fees for the proposed expansion of facilities located at 12100 Samsung Blvd., by Samsung Austin Semiconductor, L.P., in an amount not to exceed \$1,604,000. (Related Items 8, 60)  
**Ordinance No. 040624-2 was approved.**
3. Authorize execution of a construction contract with JAY-REESE CONTRACTORS, INC., Austin, TX, for construction of Central Austin Substation in an amount not to exceed \$1,649,197.55. (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department.) 8.12% MBE and 1.13% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract was approved.**
4. Approve issuance of a rebate in the amount of \$69,500 to FROST BANK, for the installation of high efficiency lighting and air conditioning equipment and variable frequency drive (VFD) units at the Frost Bank Tower, 401 Congress Avenue. (Funding is available in the Fiscal Year 2003-2004 Operating Budget of Austin Energy Conservation Rebates and Incentives Fund.) (Recommended by the Resource Management Commission.)  
**The motion authorizing the issuance of a rebate was approved.**

5. Approve negotiation and execution of a cost reimbursement agreement with Catellus Austin, LLC, a Delaware limited liability company, for underground utility piping at the Mueller redevelopment site, in an amount not to exceed \$1,900,000. (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department.)  
**The motion authorizing the negotiation and execution of a cost reimbursement agreement was approved.**
6. Authorize the City Manager to negotiate and execute an agreement with Aqua Water Supply Corporation (Aqua) for the provision of City wholesale wastewater service to a portion of Aqua's certificated service area in southeast Travis County comprised of approximately 2,900 acres through Aqua's design and construction and dedication to the City of the initial 250,000 gallon phase of a wastewater treatment plant (WWTP) and approximately 4,758' of 30-inch wastewater main required to serve future Aqua and City customers; authorize reimbursement to Aqua for 50% of the actual hard construction cost of the initial 250,000 gallon phase of the WWTP and 30-inch wastewater main in an amount not to exceed \$1,933,000 through a per connection credit equal to the City's Wastewater Capital Recovery Fee. (Reimbursement to Aqua for 50% of the hard construction costs only of the initial 250,000 gallon phase of the WWTP and 30-inch wastewater main in an amount not-to-exceed \$1,933,000 will be from credits in an amount equivalent to the City's Wastewater Capital Recovery Fee to be made as each service unit of new development is connected to the Aqua wastewater system within the agreed wholesale service area up to the not to exceed limit. Since the transaction itself will fund the reimbursement via the described per connection credits, no separate City funding is required for this first phase of the wastewater treatment plant and 30-inch main. Funding for future expansions of the WWTP will require additional council authorization.) (Recommended by the Water and Wastewater Commission)  
**The motion authorizing the City Manager to negotiate and execute an agreement was approved.**
7. Authorize negotiation and execution of an amendment to the Professional Services Agreement with ROMA DESIGN GROUP, San Francisco, CA, for Robert Mueller Municipal Airport (RMMA) Master Developer Agreement Negotiations in the amount of \$449,550 for a total contract amount not to exceed \$3,254,070. (The selected Master Developer, Catellus Development Corporation, is required to fund planning and financial analysis costs associated with negotiation of the Master Development Agreement for the redevelopment of RMMA. This contract amendment will be encumbered in the City's RMMA Reimbursement Fund. Quarterly deposits are made by Catellus into this fund, to reimburse negotiation expenses based on actual costs.) 3.6% MBE and 6.1% WBE subconsultant participation to date.  
**The motion authorizing the negotiation and execution of an amendment to the Professional Services Agreement was approved.**
8. Approve an ordinance authorizing the negotiation and execution of a performance based Economic Development Agreement with Samsung Austin Semiconductor, L.P. under Chapter 380 of the Local Government Code, and creating an economic development program that facilitates the proposed expansion of its facilities located at 12100 Samsung Blvd., Austin, Texas 78754, which includes spending by Austin Energy of \$3,000,000 (including the \$1,504,000 in dual feed service fee waivers) with an additional 10% construction contingency to provide energy infrastructure improvements on the City's side of the electric meter and payment of \$1,000,000 to Samsung to be used solely for the purpose of construction, engineering and installation of energy infrastructure improvements on Samsung's side of the electric meter, for a total amount not to exceed \$4,300,000. (Funding in the amount of \$3,300,000 is available in the 2003-2004

Approved Capital Budget of the Electric Utility Department and \$1,000,000 is available in the 2003-2004 Amended Operating Budget of Austin Energy.) (Related Items 2, 60)

**Ordinance No. 040624-08 was approved.**

9. Approve an ordinance authorizing the City Manager to negotiate and execute an Economic Development Agreement with Home Depot, Inc., under Chapter 380 of the Local Government Code, and creating an economic development program for a proposed Home Depot Data Center to be located at 1300 Park Center Drive, Austin, Texas; providing for economic incentives for a period of 10 years, consisting of rebate of 100% of city personal property tax on business equipment, and rebate of real property tax on the increase in value after purchase of the facility and providing power quality and reliability enhancements by Austin Energy. (Estimated total value of incentives over a 10 year period is \$7,187,535.) (Related Item 67)

**Ordinance No. 040624-9 was approved.**

10. Approve execution of a 12-month contract with FUND FOR CHILD CARE EXCELLENCE, Austin, TX, for childcare quality improvement services in an amount not to exceed \$387,000, with two 12-month extension options in an amount not to exceed \$87,000 per extension option, for a total agreement amount not to exceed \$561,000. (Funding in the amount of \$387,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Health and Human Services Department, Special Revenue Certification grant program. The initial contract period will be July 1, 2004 - June 30, 2005. Funding for the extension options is contingent upon available funding in future budgets.) (Child Care Council reviewed and recommended approval, June 8, 2004.)

**The motion authorizing the execution of a contract was approved.**

11. Authorize negotiation and execution of an amendment to the outside counsel contract with DENTON, NAVARRO, ROCHA & BERNAL, P.C., San Antonio, TX, for representing the City as chief negotiator and legal co-counsel in matters relating to labor negotiations for a Collective Bargaining contract with the Austin Professional Fire Fighters Association in the amount of \$44,000, with a total contract amount not to exceed \$144,000. (Funding is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Fire Department. There is no unanticipated fiscal impact. A fiscal note is not required.) (Related Item 59)

**The motion authorizing the negotiation and execution of an amendment to the outside counsel contract was approved.**

12. Authorize negotiation and execution of an outside counsel contract with COLE & POWELL, P.C., Austin, TX, to provide legal counsel to the City defendants in *Velma Pickens, et. al. v. City of Austin et. al.*, in an amount not to exceed \$100,000. (Funding is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Liability Reserve Fund.) (Related Item 62)

**The motion authorizing the negotiation and execution of an outside counsel contract was approved.**

**Item 13 was pulled for a time certain of 7:30 p.m.**

14. Authorize application for \$148,422 in grant funding from the U.S. Department of Justice, Office of Justice Programs, Community Oriented Policing Services Office, Fiscal Year 2004 COPS Technology Initiative program to purchase a driving simulator for the Austin Police Department. (Funding is available from the U.S. Department of Justice, Office of Justice Programs, Community Oriented Policing Services Office, Fiscal Year 2004 COPS Technology Program, for the grant period of October 1, 2004 through September 30, 2005. No cash match is required.)

**The motion authorizing the application was approved.**

15. Approve a resolution authorizing the filing of eminent domain proceedings for the Upper Shoal Creek-Lower Hancock Branch portion of the Austin Clean Water Program to acquire a 2,315 square foot temporary ingress and egress easement out of Lot 8, Block B, Shoalwoods Addition Section 2, Travis County, in the amount of \$13,672. The owner of the property sought to be condemned is CLAUDINE SCHOEN, individually and as independent executrix of the estate of Bruno Eric Eugene Schoen, deceased. The property is located at 4605 Strass Drive, Austin, Texas. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)  
**Resolution No. 040624-15 was approved.**
16. Approve a resolution authorizing the filing of eminent domain proceedings for the Upper Shoal Creek - Lower Hancock Branch portion of the Austin Clean Water Program to acquire a 365 permanent wastewater line easement, a 1,057 square foot temporary working space easement, and a 3,043 square foot temporary ingress and egress easement out of Lot 1, Block A, Podolnick Place, a subdivision in Travis County, in the amount of \$63,100. The owner of the property sought to be condemned is POTH INVESTMENTS, INC., Austin, TX. The property is located at 2211 Hancock Drive, Austin, Texas. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)  
**Resolution No. 040624-16 was approved.**
17. Approve a resolution authorizing the filing of eminent domain proceedings for the Upper Shoal Creek - Lower Hancock Branch portion of the Austin Clean Water Program to acquire a 41 square foot permanent wastewater line easement, a 156 square foot temporary working space easement, and a 4,793 square foot temporary ingress and egress easement out of Lot 2, Block A, Podolnick Place, a subdivision in Travis County, in the amount of \$8,644. The owner of the property sought to be condemned is AUSTIN PC-1, LTD, Austin, TX. The property is located at 2209 Hancock Drive, Austin, Texas. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)  
**Resolution No. 040624-17 was approved.**
18. Approve a resolution authorizing the filing of eminent domain proceedings for the Upper Tannehill-Broadmoor and Cameron portion of the Austin Clean Water Program to acquire a 1,111 square foot permanent wastewater line easement out of Lot 17, Block D, Windsor Park, Section 4-A, in Travis County, in the amount of \$1,944. The owner of the property sought to be condemned is MICHAEL C. MURPHY. The property is located at 1309 Broadmoor Drive, Austin, Texas. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)  
**Resolution No. 040624-18 was approved.**
19. Approve a resolution authorizing the filing of eminent domain proceedings for the Upper Shoal Spicewood Branch portion of the Austin Clean Water Program to acquire a 1,450 square foot temporary ingress and egress easement and 0.390 of one acre of land for a temporary staging area and material storage site easement out of Lot 1, of Resubdivision of Lot A, Austin Northwest Subdivision, Travis County, in the amount of \$54,471. The owner of the property sought to be condemned is HUB PROPERTIES TRUST, Austin, TX, a Maryland Real Estate Investment Trust. The property is located at 7800 Shoal Creek Boulevard, Austin, Texas. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)  
**Resolution No. 040624-19 was approved.**

20. Approve an ordinance authorizing the City Manager, or designee, to negotiate and execute all documents related to the sale of .0548 acres of Lot 3 Less North 24 feet average, Thomas & Burch Subdivision, Austin, Travis County, TX, located at 1005 Summit Street and East Riverside Drive, said acreage being a right-of-way remnant from the 1976 Road Improvement Project of East Riverside Drive to Michael J. Sullivan, the adjacent property owner, for the fair market value of \$4,800.  
**Ordinance No. 040624-20 was approved.**
21. Authorize execution of the West Howard Lane Interlocal Cooperation Agreement between City of Austin and Travis County to pay for relocating Austin Water Utility water and wastewater lines for Scofield Ridge Parkway Improvements in an amount not to exceed \$695,000. (Funding in the amount of \$485,702.50 is available in the Fiscal Year 2003-2004 Capital Budget and \$209,297.50 is available in the Fiscal Year 1995-1996 Capital Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission.)  
**The motion authorizing the execution of the West Howard Lane Interlocal Cooperation Agreement was approved.**
22. Authorize negotiation and execution of an agreement with AGBRI TWO COMMODORE, L.P., Austin, TX, for a nine-month lease renewal of 106,965 square feet of office space in Two Commodore Plaza, located at 206 E. 9<sup>th</sup> Street for use by various City Departments, in an amount not to exceed \$1,734,437.43. (Funding in the amount of \$192,715.27 is available in the Fiscal Year 2003-2004 Operating Budgets of various City departments. Funding for the remaining eight (8) months of the original contract is contingent upon available funding in future budgets.)  
**The motion authorizing the negotiation and execution of an agreement was approved.**
23. Approve a modification of the ten-year lease agreement with the Austin Revitalization Authority for 26,646 square feet of office space and associated parking in the Eleven East Building located at 1000 East Eleventh Street for occupancy by the City's Neighborhood Housing and Community Development Office and the Austin Housing Finance Corporation by increasing the amount available to reimburse Austin Revitalization Authority under the lease agreement for the expenses associated with finish-out expenses to upgrade the building's HVAC and security systems, and complete other tenant finish-out improvements which exceed the original \$532,920 lease agreement finish-out allowance in an amount not to exceed \$441,899 for a total lease and tenant finish-out amount not to exceed \$9,649,964.03, and approve the use of the increased amount for reimbursement to Austin Revitalization Authority of the additional expenses which exceed the original finish-out allowance. (Funding is available in Neighborhood Housing and Community Development Special Revenue Fund.)  
**The motion authorizing a modification of the lease agreement was approved.**

**Item 24 was pulled for discussion.**

25. Authorize execution of a construction contract with C. C. CARLTON INDUSTRIES, LTD., Austin, TX, for the Austin Clean Water Program: Upper West Waller 45<sup>th</sup> and Speedway Wastewater Improvements Project in the amount of \$2,602,273 plus a \$260,227.30 contingency, for a total contract amount not to exceed \$2,862,500.30 (Funding in the amount of \$2,862,500.30 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Lowest of five bids received. 21.89% MBE and 4.62% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract was approved.**

26. Authorize execution of a construction contract with SALAS CONSTRUCTORS, INC., (MBE/MH 100%), Buda, TX, for the Meadowheath Lift Station Relief Main Bore in an amount not to exceed \$69,625. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Lowest bid of four received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Recommended by the Water and Wastewater Commission.)  
**The motion authorizing the execution of a construction contract was approved.**
27. Authorize execution of a construction contract with GUERRERO-McDONALD & ASSOCIATES, INC. (MBE/FH 27.51%), Austin, TX, for Austin-Bergstrom International Airport Parking Structure Repairs of the third level canopies, in the amount of \$525,897 plus a \$52,589.70 contingency, for a total contract amount not to exceed \$578,486.70. (Funding in the amount of \$578,486.70 is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Department of Aviation.) Lowest bid of six responsive bids. 0.00% MBE and 0.11% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract was approved.**
28. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING INC., (MH 94.12%), Austin, TX, for the construction of the Capital Metropolitan Transportation Authority Group 2 Sidewalk Improvements project in an amount not to exceed \$488,323.51. (Funding is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning, and Sustainability Department.) Lowest bid of seven received. 0.60% MBE and 5.28% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract was approved.**
29. Authorize negotiation and execution of an amendment to the professional services agreement with MALCOLM PIRNIE, INC., Austin, TX, for additional program management consulting services for water and wastewater services to annexed areas in the amount of \$851,000 for a total contract amount not to exceed \$12,209,824.33. (Funding in the amount of \$851,000 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) 17.6% MBE and 26.5% WBE subcontractor participation to date, including this amendment. (Recommended by the Water and Wastewater Commission.)  
**The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.**
30. Authorize negotiation and execution of a 12-month service agreement with RJW OPERATIONS, INC., dba GROUP SOLUTIONS RJW, (WBE/FB-87.1%), Austin, TX, for public information and community services for the Austin Water Utility in an amount not to exceed \$104,680, with two 12-month extension options in an amount not to exceed \$104,680 per extension option, for a total agreement amount not to exceed \$314,040. (Funding in the amount of \$104,680 is included in the Fiscal Year 2003-2004 Approved Capital Budget of the Austin Water Utility. Funding for the extension options is contingent upon available funding in future budgets.) Best proposal of eight proposals received. 12.9% MBE, 0% WBE subcontractor participation.  
**This item was postponed indefinitely and withdrawn from the agenda.**

31. Authorize negotiation and execution of a five-year contract with AMPCO SYSTEM PARKING, Houston, TX, for the management of the parking and shuttle bus operations at Austin-Bergstrom International Airport. Management fees for the five year period total \$2,482,090. (Austin-Bergstrom International Airport parking facilities are projected to generate in Fiscal Year 2004-2005 gross revenue of approximately \$17.75 million. Fiscal Year 2004-2005 operating expenses, which include shuttle bus operating costs, maintenance and the proposer's \$467,513 first year management fee are projected to be \$5,207,522. Projected parking revenues and expenses will be included in the Fiscal Year 2004-2005 Proposed Operating Budget of the Department of Aviation.) Best proposal of five proposals received. 17.10% MBE and 4.58% WBE subcontractor participation.  
**The motion authorizing the negotiation and execution of a contract was approved.**
32. Authorize execution of a contract with A&R DEMOLITION, Del Valle, TX and ARC ABATEMENT, INC., Austin, TX, for demolition services in support of the Noise Mitigation Program at the Austin-Bergstrom International Airport in an amount not to exceed \$150,000. (Funding is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Aviation Department.) Lowest two bids of four bids received. This contract will be awarded in compliance with 49 CFR, Part 26 of the Code of Federal Regulations (Disadvantage Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a contract was approved.**
33. Authorize execution of a 12-month supply agreement with ABB, INCORPORATED, c/o POWER SUPPLY, INCORPORATED, Austin, TX, for twelve 15kV arc-resistant switchgear in an amount not to exceed \$3,910,164, with three 12-month extension options in an amount not to exceed \$3,910,164 per extension option, for a total agreement amount not to exceed \$15,640,656. (Funding in the amount of \$977,541 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department. Funding for the remaining 10-months of the original agreement and extension options is contingent upon available funding in future budgets.) Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.  
**The motion authorizing the execution of a supply agreement was approved.**
34. Authorize execution of a 12-month supply agreement with CONTROLL FORMS, Menomonee Falls, WI, for the purchase of utility statement forms and bond paper in an amount not to exceed \$47,761, with two 12-month extension options in an amount not to exceed \$47,761 per extension option, for a total agreement amount not to exceed \$143,283. (Funding in the amount of \$11,940 is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of seven bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for the solicitation.  
**The motion authorizing the execution of a supply agreement was approved.**

35. Authorize negotiation and execution of Amendment No. 4 to the contract with MOTOROLA INC., Austin, TX, for the Customer Service Request (CSR) system to install a geo layer import tool and for additional training services in an amount not to exceed \$60,000. (Funding is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department.) This contract was awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the negotiation and execution of Amendment No. 4 to the contract was approved.**
36. Authorize execution of four 24-month supply agreements with GENERAL ELECTRIC SUPPLY, Austin, TX; TECHLINE, INC., Austin, TX; POWER SUPPLY, Austin, TX; and KBS ELECTRICAL DISTRIBUTORS, Austin, TX, for padmounted transformers in amounts not to exceed \$2,146,291.60, \$461,200.80, \$1,737,170, and \$333,244 respectively, with three 12-month extension options in amounts not to exceed \$1,073,145.80, \$230,600.40, \$868,585.00, and \$166,622.00 respectively, for total agreement amounts not to exceed \$5,365,729, \$1,153,002, \$4,342,925, and \$833,110 respectively. (Funding in the amount of \$584,738.31 is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department. Funding for the remaining 21 months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidder and second low bidder per line item meeting specification. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of supply agreements was approved.**
37. Ratify negotiation and execution of a contract with KINDER MORGAN SOUTH PIPELINE L.P., Houston, TX for design and construction of a natural gas header and control system to permit dual pipeline service to the Sand Hill Energy Center in an amount not to exceed \$421,270. (Funding in the amount of \$421,270 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Department.) Critical Business Need. This contract was awarded in compliance with Chapter 2-9 of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the negotiation and execution of a contract was approved.**
38. Authorize execution of a 12-month service agreement with WALGREENS HEALTH INITIATIVES, Chesterfield, MO for pharmacy management and dispensing services in an amount not to exceed \$1,200,000, with four 12-month extension options in amounts not to exceed \$1,400,000 for the first extension, \$1,600,000 for the second extension, \$1,800,000 for the third extension, and \$2,000,000 for the fourth extension, for a total agreement amount not to exceed \$8,000,000. (Funding is contingent upon approval of the Fiscal Year 2004-2005 Proposed Operating Budget for the Community Care Services Department. Funding for the extension options is contingent upon available funding in future budgets.) Best proposal of two proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a service agreement was approved.**

39. Authorize execution of a 12-month supply agreement with EMERGENCY VEHICLE EQUIPMENT COMPANY, Arlington TX, for the supply of repair parts for "FEDERAL SIGNAL" brand emergency Light Bars and Sirens in an amount not to exceed \$60,000, with two 12-month extension options in an amount not to exceed \$60,000 per extension option, for a total agreement amount not to exceed \$180,000. (Funding in the amount of \$15,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Wireless Communications Services Office of the Financial & Administrative Services Department. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of six bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the execution of a supply agreement was approved.**

40. Authorize negotiation and execution of a 12-month services agreement with MOTOROLA C&E Inc., Austin TX, for the maintenance and support for the communication infrastructure for the Austin/Travis County Regional Trunked Radio System in an amount not to exceed \$1,878,950, with four 12-month extension options in an amount not to exceed \$1,935,319 for the first extension option, \$1,993,379 for the second extension option, \$2,053,180 for the third extension option and \$2,114,775 for the fourth extension option, for a total agreement amount not to exceed \$9,975,603. (Funding in the amount of \$545,231 is available in the Fiscal Year 2003-2004 Operating Budget for the Financial and Administrative Services Department, CTM-Wireless Communication Services Division. Funding for the balance of the original agreement and the extension options is contingent upon available funding in future budgets. The City's portion is \$303,585. The remaining \$241,646 will be reimbursed to the City from the participating entities.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the negotiation and execution of a services agreement was approved.**

41. Authorize execution of a five-year lease/purchase agreement with MEDTRONIC PHYSIO-CONTROL, Redmond, WA, for the provision of cardiac monitor/defibrillators for the Emergency Medical Services Department in an amount not to exceed \$1,214,878. (Funding in the amount of \$20,248 is available in the Fiscal Year 2003-2004 Operating Budget of the Emergency Medical Services Department. Funding for the remaining 59 months of the agreement is contingent upon available funding in future budgets.) Lowest bid meeting specification of four bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the execution of a lease/purchase agreement was approved.**

42. Authorize execution of a 12-month service agreement with JESSIE LEE COBURN, CSR, CVR, Austin, TX, for court reporting services in an amount not to exceed \$99,705, with three 12-month extension options in an amount not to exceed \$99,705 per extension option, for a total agreement amount not to exceed \$398,820. (Funding in the amount of \$24,926 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Municipal Court Department. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Only Bidder. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise

Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the execution of a service agreement was approved.**

43. Authorize execution of a 12-month service agreement with SILVIA B. KENIG, INC. (WBE/FH, 100%), Austin, TX, for Spanish language interpreter services in an amount not to exceed \$217,122, with three 12-month extension options in an amount not to exceed \$217,122 per extension option, for a total agreement amount not to exceed \$868,488. (Funding in the amount of \$54,281 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Municipal Court Department. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the execution of a service agreement was approved.**

**Item 44 was pulled for discussion.**

45. Authorize negotiation and execution of a 12-month service agreement with LIFEWORKS, Austin, TX, for counseling services for juvenile offenders with warrants for Class C misdemeanor citations in an amount not to exceed \$80,000, with two 12-month extension options in an amount not to exceed \$80,000 per extension, for a total agreement amount not to exceed \$240,000. (Funding in the amount of \$21,876 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Police Department, Juvenile Accountability Incentive Block Grant Program. Funding for remaining nine months of the original contract term is included in the Fiscal Year 2004-2005 Proposed Operating Budget. Funding for the extension options is contingent upon available funding in future budgets.) This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the negotiation and execution of a service agreement was approved.**

46. Authorize negotiation and execution of a 12-month contract with ENFORCEMENT TECHNOLOGY, INC., Irvine, CA, for 23 parking ticket writers, accessories and software in an amount not to exceed \$85,000, with five 12-month extension options for software and maintenance of the equipment in an amount not to exceed \$9,710 per extension option, for a total contract amount not to exceed \$133,550. (Funding in the amount of \$85,000 is available in Fiscal Year 2003-2004 Operating Budget of the Transportation, Planning and Sustainability Department. Funding for the extension options is contingent upon available funding in future budgets.) Best proposal of five proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the negotiation and execution of a contract was approved.**

47. Approve an ordinance amending City Code Section 12-4-63 of the Code regarding school zones to extend the existing school zone on Amherst Drive and to add portions of Brigadoon Lane and Mosley Lane to the list of streets having a maximum speed limit of 20 miles per hour during certain times to increase the safety of students attending Summitt Elementary School. (Funding in the amount of \$2,850 is available in the Fiscal Year 2003-2004 Operating Budget of the

Transportation, Planning & Sustainability Department for the installation of the necessary signs/flasher.)

**Ordinance No. 040624-47 was approved.**

48. Approve an ordinance authorizing the acceptance of \$103,415 in grant funds from the Federal Highway Administration Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) and amending the Fiscal Year 2003-2004 Transportation, Planning & Sustainability Department Capital Budget of Ordinance No. 030908-02 to create a new project called “Intelligent Transportation System (ITS) Project” and to appropriate \$103,415 in grant funds to that project. (Total Project cost: \$206,830. Grant funding of \$103,415 is available in Transportation Equity Act for the 21st Century (TEA-21) funds though a Federal Highway Administration -TXDOT Partnership Agreement. \$103,415 for the City's match requirement is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning and Sustainability Department.) (Related Item 49)

**Ordinance No. 040624-48 was approved.**

49. Approve a resolution authorizing negotiation and execution of an Memorandum of Understanding (MOU) with the Texas Department of Transportation (TxDOT) to receive federal funding for an Intelligent Transportation System (ITS) project to accelerate the integration and interoperability of ITS in the City. (Total Project cost: \$206,830. Grant funding of \$103,415 is available in Transportation Equity Act for the 21st Century (TEA-21) funds though a Federal Highway Administration -TXDOT Partnership Agreement. \$103,415 in local matching funds is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning and Sustainability Department.) (Related Item 48)

**Resolution No. 040624-49 was approved.**

50. Board and Commission Appointments.

**The following appointments were made:**

| <u>Board/<br/>Appointee</u>                                     | <u>Consensus/<br/>Council Nominee</u> | <u>Appointment/<br/>Reappointment</u> |
|---|---------------------------------------|---------------------------------------|
| <u>Community Development Commission</u>                         |                                       |                                       |
| Mattie Mays<br>(Montopolis Neighborhood Representative)         | Consensus                             | Appointment                           |
| <u>Downtown Commission</u>                                      |                                       |                                       |
| Ernestine Kubicek<br>(Representing Women’s Chamber of Commerce) | Consensus                             | Appointment                           |
| <u>Environmental Board</u>                                      |                                       |                                       |
| Mary Ruth Holder  | Mayor Pro Tem Goodman’s               | Reappointment                         |
| Lee Leffingwell   | Consensus                             | Reappointment                         |
| <u>Parks and Recreation Board</u>                               |                                       |                                       |
| Rosemary Castleberry  | Council Member Slusher’s              | Reappointment                         |
| Mark Vane   | Council Member McCracken’s            | Appointment                           |
| <u>Planning Commission</u>                                      |                                       |                                       |
| Matt Hollon   | Consensus                             | Appointment                           |

|   |   |               |
|---|---|---------------|
| Jay Reddy   | Council Member Dunkerley's  | Appointment   |
| <u>Robert Mueller Municipal Airport Plan Implementation Advisory Commission</u> |   |               |
| James Robertson (Effective July 1, 2004)  | Consensus   | Appointment   |
| <u>Telecommunications Commission</u>  |   |               |
| John Green  | Consensus   | Reappointment |
| <u>Urban Forestry Board</u>   |   |               |
| Paul Johnson  | Consensus   | Appointment   |
| <u>Urban Renewal Board</u>  |   |               |
| Margaret Owens  | Mayor Wynn's  | Appointment   |
| Justin Stewart  | Council Member Slusher's  | Appointment   |
| <u>Urban Transportation Commission</u>  |   |               |
| Rodney Ahart  | Council Member Thomas'  | Appointment   |
| Patrick Goetz   | Consensus   | Reappointment |
| <u>Water and Wastewater Commission</u>  |   |               |
| Glen Coleman  | Consensus   | Reappointment |
| <u>Zoning &amp; Platting Commission</u>   |   |               |
| Betty Baker   | Mayor Pro Tem Goodman's   | Reappointment |
| Melissa Hawthorne   | Council Member Dunkerley's  | Reappointment |
| Teresa Rabago   | Council Member Alvarez'   | Reappointment |
| 51.   | Approve a resolution reappointing Council Member Danny Thomas to serve as one of the City's two representatives on the Capital Metropolitan Transportation Authority Board of Directors for a two-year term to commence on June 25, 2004. (Mayor Will Wynn)<br><b>Resolution No. 040624-51 was approved.</b>  |               |
| 52.   | Approve an ordinance establishing interim development regulations, including a moratorium, prohibiting the issuance of a building permit for the construction or remodeling of a two family residential or secondary apartment use or the remodeling of an existing structure to create a two-family residential or secondary apartment use. (Council Member Betty Dunkerley, Mayor Pro Tem Jackie Goodman and Council Member Raul Alvarez)<br><b>Ordinance No. 040624-52 was approved.</b> |               |
| 53.   | Approve a resolution to begin the process of review for possible amendment of Chapter 2-7 of the City Code to address issues and process relating to ethics and conflicts of interest of board and commission members and to direct the Ethics Review Commission to make recommendations to City Council based on input from other boards and commissions. (Mayor Pro Tem Jackie Goodman and Council Member Raul Alvarez)<br><b>Resolution No. 040624-53 was approved.</b>                  |               |

54. Set a public hearing to approve a wastewater main and two tunnel sections to relieve the Barton Springs Lift Station along with 5 temporary work space use agreements to allow the construction of Barton Creek Lift Station Relief Main-Section 1 and Barton Springs Lift Station Relief Tunnel-Section 2 through dedicated parkland known as Zilker Park, Butler Shores, Pitch and Putt and Auditorium Shores in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: July 29, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building). (All costs associated with the wastewater main and two tunnels as well as any parkland restoration will be paid by the requestor.) (Recommended by the Parks Board.) **The public hearing was set for July 29, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.**
55. Set public hearings for the full purpose annexation of the following areas: **Avery Ranch Areas:** Tract 1: Avery Brookside Phase Two (Approximately 19.417 acres located in Williamson County north of the intersection of Prestancia Drive and Royal New Kent Drive); Tract Two: Avery Brookside, Phase Two (Approximately 18.423 acres in Williamson County north of Avery Ranch Blvd between Roy Butler Drive and Loxley Lane); Tract Three: Avery East Phase Two, Section Two (Approximately 25.953 acres in Williamson County north of the intersection of Avery Ranch Blvd and Indina Hills Dr); Tract Four: Avery South Section Two, Phase One (Approximately 27.257 acres in Williamson County south of the intersection of Castle Pines Drive and Royal Dublin Drive); Tract Five: Avery Ranch Blvd (Approximately 12.271 acres of Avery Ranch Blvd in Williamson County west of the intersection of Avery Ranch Blvd and Staked Plains Drive). **Interport Area** (Approximately 1.013 acres in Travis County north of State Highway 71 east of the intersection of State Highway 71 and Fallwell Lane). **290 SMART Housing Tract** (Approximately 23 acres in Travis County south of US Highway 290 East, east of the abandoned MKT Railroad and north of Old Manor Road). Suggested dates and times: July 29, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building; August 5, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building). **The public hearings were set for July 29, 2004 and August 5, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.**

Items 56 through 63 were Executive Session items.

Items AHFC-1 through AHFC-3 were set for a time certain at 3:00 p.m.

Item 64 was a briefing item set for a time certain at 2:00 p.m.

Items 65 through 66 and Z-1 through Z-20 were Zonings set for a time certain at 4:00 p.m.

Items 67 through 70 were Public Hearing items set for a time certain at 6:00 p.m.

71. Approve an ordinance authorizing the waiver of the signature and security deposit requirements contained in Chapter 14-8 of the City Code, and waive permit fees in connection with the AMLI 2nd Street Downtown Criterium to be held on July 3, 2004. (Council Member Brewster McCracken and Mayor Will Wynn)  
**Ordinance No. 040624-71 was approved.**

**DISCUSSION ITEMS**

44. Authorize negotiation and execution of contracts with PROFESSIONAL COMPUTER SOFTWARE SYSTEMS, Boiling Springs, SC, for an upgrade to imaging hardware for the existing case management system and supporting hardware in an amount not to exceed \$1,417,200; and with BUSINESS INTEGRATORS, INC., Houston, TX, for an upgrade of the IBM hardware including installation and integration support in an amount not to exceed \$180,000. (Funding in the amount of \$1,597,200 is available in the Fiscal Year 2003-2004 Technology Fund account of the Municipal Court.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the negotiation and execution of contracts was approved on Council Member Dunkerley's motion, Council Member Slusher's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:53 a.m.

**EXECUTIVE SESSION**

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

**Private Consultation with Attorney - Section 551.071**

Items 56 through 57 were discussed later in Executive Session.

58. Discuss legal issues related to implementation of the Travis County Hospital District.  
No discussion was held on this item,

Item 59 was discussed later in Executive Session.

60. Discuss legal issues related to the proposed Economic Development Agreement with Samsung Austin Semiconductor, L.P. (Related Items 2, 8)  
No discussion was held on this item.

Item 61 was discussed later in Executive Session.

62. Discuss legal issues in *Velma Pickens, et. al v. The City of Austin, et. al*, Cause No. A-04-CA-340LY, in the U.S. District Court for the Western District of Texas, and the legal services agreement with Cole & Powell, P.C. (concerns the June 2002 death of Sophia King) (Related Item 12)  
No discussion was held on this item.

**Real Property - Section 551.072**

63. Discuss terms of sale for the Mueller site (former Robert Mueller Municipal Airport) to Catellus Austin, L.L.C.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:21 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Jimmy Castro - City of Austin Budget

Joanne Neto - Animal Issues

Robert Singleton - Mueller Developments

Mary Lehmann

Richard Troxell - Homelessness

Darlene Kamacho Rosales - Fundraiser - Parks Advisory Board. She was not present when her name was called.

Cynthia Perez - Parking & Second Street Project

Robert L. Thomas - Unfair Labor Practices for Employment for Athletes and Builders at the Rosewood Parks and Recreation Department

Johnny Townsend - East Side Development Project. He was not present when his name was called

Geneva Oliva - Southwest Key Project for East Austin Community. She was not present when her name was called.

Pat Johnson. He was not present when his name was called.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:45 p.m.

EXECUTIVE SESSION CONTINUED

56. Discuss legal issues related to a proposed amendment to the regulations applicable to Mission Bethany Subdivision established by Ordinance No. 980507-A to allow the transfer of impervious cover within the subdivision and to extend the expiration date of the ordinance. The subdivision is generally located at the intersection of Slaughter Lane and Wolftrap Drive in the area subject to Save Our Springs Initiative.

The Mayor announced that Council would discuss item number 24 on the regular agenda during Executive Session.

Executive Session ended and Mayor Wynn called the Executive Session back to order at 2:14 p.m.

24. Ratify the execution of a construction contract with SHAW ENVIRONMENTAL, INC., Findlay, OH, for hazardous excavation at the North Service Center project located at 10414 McKalla Place in response to the explosion that occurred at the construction project site November 3, 2003, in the amount of \$1,573,985 plus a \$236,000 contingency, for a total contract amount not to exceed \$1,809,985. (Funding in the amount of \$1,809,985 is available in the Fiscal Year 2002-2003 Capital Budget of the Austin Water Utility.) Health or Safety Purchase Exemption. 1.6% MBE and 0% WBE subcontractor participation.
- The motion authorizing the execution of a construction contract was approved on Council Member McCracken's motion, Mayor Wynn's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Alvarez were off the dais.

#### BRIEFINGS

64. Staff presentation of the results of the study concerning the effects of big box retail centers on the local economy, small businesses, and wages.
- The presentation was made by Sue Edwards, Economic Growth and Redevelopment Services and John Hockenyos, Texas Perspective.

#### BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at 3:22 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance. See separate minutes.

AHFC adjourned and the regular Council meeting was called back to order at 3:27 p.m.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 3:28 p.m.

#### EXECUTIVE SESSION CONTINUED

57. Discuss legal issues regarding the Petition for Creation of Greenshores Municipal Utility District to include approximately 252 acres comprising the Greenshores on Lake Austin and The Woods of Greenshores Subdivisions north of Lake Austin in the vicinity of Emma Long Park.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 4:13 p.m.

#### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.

65. C14-03-0187 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7411 Old Bee Caves Road (Williamson Creek Watershed -Barton Springs Zone) from rural residence district (RR) zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. First reading on April 15, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: Suzanne Rittenberry. Agent: Suzanne Ritteberry. City Staff: Annick Beaudet, 974-2975.
- Ordinance No. 040624-65 was approved.

66. C14-04-0012.001 (PART) - Brentwood/Highland Neighborhood Plan - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Tract 15a - 5605 Adams Avenue, 5453 Burnet Road and part of Tract 15b - 5510 & 5600 Clay Avenue (Shoal Creek and Waller Creek Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning to neighborhood commercial-mixed use-conditional overlay (LR-MU-CO-NP) combining district zoning for Tract 15a and part of Tract 15b. On March 25, 2004, the City Council approved general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 15a and community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning for tract 15b on first ordinance reading. Vote: 7-0. On May 13, 2004, the City Council approved general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 15a and neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning for a part of Tract 15b on second ordinance reading. Vote: 7-0. Property Owner: Duke M. Covert. Applicant: City of Austin (Neighborhood Planning Zoning Department). Agent: Armbrust & Brown (Kris Kasper). City Staff: Annick Beudet, 974-2975. A valid petition has been filed in opposition to the rezoning request for part of Tract 15b (5510 & 5600 Clay Avenue).  
**Ordinance No. 040624-66 per conditions included in the ordinance was approved.**

#### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.

- Z-1 Approve an ordinance amending Ordinance No. 020523-30, which adopted the North Loop Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from single-family residential to commercial-mixed use for property located at 100-104 E. 51<sup>st</sup> Street. (Planning Commission made no recommendation.) (Related Item Z-2)  
**This item was postponed to July 29, 2004.**
- Z-2 C14-04-0015 - 51<sup>st</sup> Street Mixed Use - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin Code by rezoning property locally known as 100-104 East 51<sup>st</sup> Street and 0 East 51<sup>st</sup> Street (Waller Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To forward to Council without a recommendation. Applicant: Northfield Design Associates (Don Smith). Agent: Northfield Design Associates (Don Smith). City Staff: Glenn Rhoades, 974-2775. Note: A valid petition has been filed by property owners within 200 feet of the site. (Related Item Z-1)  
**This item was postponed to July 29, 2004.**

Item Z-3 was pulled for discussion.

- Z-4 C14H-02-0022 - Minnie Hughes House. Conduct a public hearing and approve second and third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 900 Juniper Street from Family Residence, Neighborhood Plan (SF-3-NP) district to Family Residence, Neighborhood Plan - Historic (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence-small lot, Neighborhood Plan - Historic (SF-4a-H-NP) combining district zoning. Planning Commission Recommendation: To grant Family Residence-small lot, Neighborhood Plan - Historic (SF-4a-H-NP) combining district zoning. NOTE: The applicant received a variance for lot size and impervious cover from the Board of Adjustment since first reading at Council and is therefore revising its request for a zoning change to SF-3-H-NP. Applicant: City of Austin. City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.  
**Ordinance No. 040624-Z-4 for Family Residence-small lot, Neighborhood Plan - Historic (SF-4-H-NP) combining district zoning was approved.**
- Z-5 C14H-02-0023 - Henry Stringfellow House. Conduct a public hearing and approve second and third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 902 Juniper Street from Family Residence, Neighborhood Plan (SF-3-NP) district to Family Residence, Neighborhood Plan - Historic (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence-small lot, Neighborhood Plan - Historic (SF-4a-H-NP) combining district zoning. Planning Commission Recommendation: To grant Family Residence-small lot, Neighborhood Plan - Historic (SF-4a-H-NP) combining district zoning. NOTE: The applicant received a variance for lot size and impervious cover from the Board of Adjustment since first reading at Council and is therefore revising its request for a zoning change to SF-3-H-NP. Applicant: City of Austin. City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.  
**Ordinance No. 040624-Z-5 for Family Residence-small lot, Neighborhood Plan - Historic (SF-4-H-NP) combining district zoning was approved.**
- Z-6 C14H-02-0024 - Clem Lindsay House. Conduct a public hearing and approve second and third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 904 Juniper Street from Family Residence, Neighborhood Plan (SF-3-NP) district to Family Residence, Neighborhood Plan - Historic (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence-small lot, Neighborhood Plan - Historic (SF-4a-H-NP) combining district zoning. Planning Commission Recommendation: To grant Family Residence-small lot, Neighborhood Plan - Historic (SF-4a-H-NP) combining district zoning. NOTE: The applicant received a variance for lot size and impervious cover from the Board of Adjustment since first reading at Council and is therefore revising its request for a zoning change to SF-3-H-NP. Applicant: City of Austin. City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.  
**Ordinance No. 040624-Z-6 for Family Residence-small lot, Neighborhood Plan - Historic (SF-4-H-NP) combining district zoning was approved.**

- Z-7 C14H-02-0025 - Fannie Walker House. Conduct a public hearing and approve second and third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 902 Olive Street from Family Residence, Neighborhood Plan (SF-3-NP) district to Family Residence, Neighborhood Plan - Historic (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence, Neighborhood Plan - Historic (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant Family Residence, Neighborhood Plan - Historic (SF-3-H-NP) combining district zoning. Applicant: City of Austin. City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.  
**Ordinance No. 040624-Z-7 for Family Residence, Neighborhood Plan - Historic (SF-3-H-NP) combining district zoning was approved.**
- Z-8 C14H-04-0002 - Ocie Speer House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 108 W. 33rd Street from Family Residence (SF-3) district to Family Residence - Historic (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence - Historic (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant Family Residence - Historic (SF-3-H) combining district zoning. Applicant: Clarke and Joan Burnham (owners). City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.  
**Ordinance No. 040624-Z-8 for Family Residence - Historic (SF-3-H) combining district zoning was approved.**
- Z-9 C14H-04-0004 - Fruth House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3500 Speedway from Multi-family Residence (MF-4) district to Multi-family Residence - Historic (MF-4-H) combining district zoning. Historic Landmark Commission Recommendation: To grant Multi-family Residence - Historic (MF-4-H) combining district zoning. Planning Commission Recommendation: To grant Multi-Family Residence- Historic (MF-4-H) combining district zoning. Applicant: Betty Fruth McClain (owner). City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.  
**Ordinance No. 040624-Z-9 for Multi-Family Residence- Historic (MF-4-H) combining district zoning was approved.**
- Z-10 C14H-04-0005 - Sayers House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 709 Rio Grande Street from General Office, Mixed Use, Capitol View Corridor (GO-MU-CVC) district to General Office, Mixed Use, Capitol View Corridor - Historic (GO-MU-CVC-H) combining district zoning. Historic Landmark Commission Recommendation: To grant General Office, Mixed Use, Capitol View Corridor - Historic (GO-MU-CVC-H) combining district zoning. Zoning and Platting Commission Recommendation: Pending. Applicant: Blair Fox (owner). City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.  
**Ordinance No. 040624-Z-10 for GO-MU-Historic zoning was approved.**

- Z-11 C14H-04-0006 - Splitrock. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2815 Wooldridge Drive from Family Residence (SF-3) district to Family Residence - Historic (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence - Historic (SF-3-H) combining district zoning. Planning Commission Recommendation: Pending. Applicant: Judie Tasch. City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.  
**This item was withdrawn.**
- Z-12 C14H-04-0007 - Steck House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 305 E. 34th Street from Multi-family Residence (MF-4) district to Multi-family Residence - Historic (MF-4-H) combining district zoning. Historic Landmark Commission Recommendation: To grant Multi-family Residence - Historic (MF-4-H) combining district zoning. Planning Commission Recommendation: Pending. Applicant: Ginger Hurst (owner). City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.  
**Ordinance No. 040624-Z-12 MF-4-H Historic zoning was approved.**
- Z-13 C14H-04-0008 - Commercial Building. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 909 Congress Avenue from Central Business District, Capitol View Corridor (CBD-CVC) district to Central Business District, Capitol View Corridor - Historic (CBD-CVC-H) combining district zoning. Historic Landmark Commission Recommendation: To grant Central Business District, Capitol View Corridor - Historic (CBD-CVC-H) combining district zoning. Zoning and Platting Commission Recommendation: Pending. Applicant: Chansa Enterprises, L.L.C. (owner). City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.  
**Ordinance No. 040624-Z-13 for CBD-H Historic zoning was approved.**
- Z-14 C14H-04-0009 - Giese-Stark Store. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City code by rezoning property locally known as 1211 San Bernard Street from Family Residence, Neighborhood Plan (SF-3-NP) district, to Family Residence, Neighborhood Plan - Historic (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence, Neighborhood Plan - Historic combining district zoning. Planning Commission Recommendation: Pending. Applicant: David Cox and Amy Maner (owners). City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.  
**Ordinance No. 040624-Z-14 for Family Residence, Neighborhood Plan - Historic (SF-3-H-NP) combining district zoning was approved.**
- Z-15 C14-04-0057 - Mercy of God Prayer Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 2404 East Yager Lane (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Mercy of God Prayer Center, Inc. (Jinny Anteya). Agent: Vincent Gerard and Assoc. (Vincent Huebinger). City Staff: Glenn Rhoades, 974-2775.  
**This item was postponed to July 29, 2004 at staff's request.**

- Z-16 Amend Ordinance No. 031120-Z-17 to correct the conditions of zoning for the property known as the Potter Project located along the southside of F.M. 2222 north of Bell Mountain Drive, further described in file number C14-03-0128. Applicant: Tom Beard. Agent: Jim Bennett. City Staff: Glenn Rhoades, 974-2775.  
**Ordinance No. 040624-Z-16 to correct the conditions of zoning was approved.**
- Z-17 C14-03-0173 - Bee Caves West - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6300-6502 FM 2244 (Eanes Creek Watershed) from single family residence standard lot (SF-2) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial conditional overlay (GR-CO) combining district zoning. Applicant: Capital City-Bee Caves, LTD. (Joe Lamy). Agent: Drenner Stuart Wolff Metcalfe Von Kriesler (Michele Allen). City Staff: Annick Beaudet, 974-2975.  
**Ordinance No. 040624-Z-17 for community commercial conditional overlay (GR-CO) combining district zoning was approved.**
- Z-18 C14-04-0035 - Eppright 12-Acre Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9300-9800 Block of R.M. 620 Road (Bull Creek Watershed) from interim-rural residence (I-RR) district zoning to townhouse & condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning. Applicant: Shoal Creek Properties, Ltd. (Fred Eppright). Agent: Land Strategies (Paul Linehan). City Staff: Sherri Gager, 974-3057. Note: A valid petition has been filed in opposition to this rezoning request.  
**This item was postponed to July 29, 2004 at the neighborhood association's request.**

**Item Z-19 was pulled for discussion.**

- Z-20 C814-04-0024 - Brodie 31 c/o Walters Southwest - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9000-9600 Block of Brodie Lane (Williamson Creek Watershed-Barton Springs Zone) from development reserve (DR) district zoning to planned unit development (PUD) district zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning with conditions. Applicant: 31 Deerfield Ltd. c/o William S. Walters, III (William S. Walters, III). Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Wendy Walsh, 974-7719.  
**This item was postponed to July 29, 2004 at the applicant's request.**

**Mayor Wynn recessed the Council Meeting at 5:49 p.m.**

### LIVE MUSIC

The Dimestore Poets

### PROCLAMATIONS

Distinguished Service Award - Citizen Review Panel Member Josefina Castillo - to be presented by Mayor Will Wynn and to be accepted by the honoree

Certificates of Appreciation - St. John's Food Pantry Donors - to be presented by Mayor Will Wynn and to be accepted by the honorees

Proclamation - Homeownership Month - to be presented by Mayor Will Wynn and to be accepted by Paul Hilgers

Mayor Wynn called the Council Meeting back to order at 6:29 p.m.

### ZONING DISCUSSION ITEMS

Z-3 C814-04-0055 - RMMA Redevelopment PUD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as North I.H. 35 at East 51<sup>st</sup> Street (Boggy Creek and Tannehill Creek Watersheds) from aviation services (AV) district and planned unit development (PUD) district zoning to planned unit development (PUD) district zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning with conditions. Applicant: City of Austin. Agent: Economic Growth and Redevelopment Services Office (Pam Hefner). City Staff: Sherri Gager, 974-3057.

The public hearing was closed on Council Member Slusher's motion, Council Member Thomas' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The first reading of the ordinance for planned unit development (PUD) district per Zoning and Platting Commission's recommendation with the addition of construction sales and services as a permitted use was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.

### PUBLIC HEARINGS AND POSSIBLE ACTION

67. Conduct a public hearing and approve an ordinance nominating a proposed Home Depot Data Center, to be located at 1300 Park Center Drive, Austin, Texas, for designation by the Governor's Office of Economic Development and Tourism as an Enterprise Project in accordance with Texas Government Code Chapter 2303 ("Texas Enterprise Zone Act"). (Related Item 9)

The public hearing was closed on Council Member Dunkerley's motion, Council Member Alvarez' second on a 7-0 vote.

Ordinance No. 040624-67 was approved on Council Member Thomas' motion, Council Member McCracken's second on a 7-0 vote.

### ZONING DISCUSSION ITEM CONTINUED

Z-19 C14-03-0157 - Harris Ranch - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as south side of Davis Lane, between Brodie Lane and Westgate Boulevard (Slaughter Creek Watershed-Barton Springs Zone) from development reserve (DR) district zoning and rural residence (RR) district zoning to community commercial (GR) district zoning for Tract 1; multi-family residence low density (MF-2) district zoning for Tract 2; and townhouse and condominium residence (SF-6) district zoning for Tract 3. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and single family residence standard lot (SF-2) district zoning for the remainder of the property, with conditions. Applicants: Robert Brent Harris; John Weldon Harris and Darrow Dean Harris. Agent: Weynand Development, Ltd. (Mike Weynand). City Staff: Wendy Walsh, 974-7719.

The public hearing was closed on Mayor Pro Tem Goodman's motion, Council member Dunkerley's second on a 6-0 vote. Council Member Slusher was off the dais.

The first reading of the ordinance for GR-CO on Tract 1 and SF-6 with a cap of 350 units on the remainder of the tracts was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.

**DISCUSSION ITEM CONTINUED**

68. Conduct a public hearing and approve a resolution authorizing the waiver of the 300 foot minimum distance requirement of Section 4-9-4 of the City Code between Asahi Imports, a business that proposes to sell alcoholic beverages at 6105 Burnet Road and a public school, Lamar Middle School located at 6201 Wynona Avenue.

The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

Resolution No. 040624-68 was approved on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 6-1 vote. Council Member Thomas voted nay.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Thomas' motion, Council Member McCracken's second on a 7-0 vote.

69. Conduct a public hearing and approve a resolution regarding an appeal by Mike McHone of the Planning Commission's decision to deny a conditional use permit for transitional housing at 5117 North Lamar. (Not Recommended by the Planning Commission.)

The public hearing was closed on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

This item was postponed to July 29, 2004 on Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote.

70. Consider action on an appeal by Melton West of the Planning Commission's decision to deny a compatibility height waiver for property located at 1106 West 6th Street, Unit 301. (Public Hearing conducted and closed on June 17, 2004.) (Denied by the Planning Commission.)

This item was postponed to July 29, 2004 on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

13. Approve the: (1) Five-Year Consolidated Plan for Fiscal Year 2005-2009, which is the document submitted by the City to the U.S. Department of Housing and Urban Development that serves as the planning document of the City and an application for federal funding; (2) the Fiscal Year 2004-2005 Action Plan, which is a description of the activities the City will undertake during the year to address priority community-development and housing needs, and (3) the Fiscal Year 2004-2005 Community Development Program, which addresses the City's efforts to improve the living and economic conditions of persons of low- and moderate-income, benefit low- or moderate-income neighborhoods, aid in the prevention or elimination of slums and blighted areas, aid federally assisted new communities, and meet other community development needs. (Three public hearings before the Community Development Commission (CDC) February 10, 2004 and March 9, 2004 on community needs, and on May 11, 2004 on the draft Consolidated Plan/Action Plan; a public hearing before the HIV Planning Council March 16, 2004; a public hearing before the Community Action Network March 15, 2004. Recommended by the CDC, with amendments, on a 5-3-1 vote June 9, 2004 (see attached Minority Report).)

The motion authorizing the Consolidated Plan for Fiscal Year 2005-2009, the Fiscal Year 2004-2005 Action Plan, and the Fiscal Year 2004-2005 Community Development Program

was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:16 a.m.

59. Discuss legal issues relating to Collective Bargaining negotiations with the Austin Association of Professional Fire Fighters. (Related Item 11)
61. Discuss legal issues relating to *City of Sunset Valley, et. al v. City of Austin, et. al*, Cause No. GV400101, in the 53rd Judicial District Court of Travis County, Texas (concerns a challenge to Council's approval of the Garza Brodie agreement by which the *Lowe's* litigation was resolved.)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:52 a.m.

The motion to adjourn the meeting at 12:53 a.m. was approved on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The minutes for the Regular Meeting of June 24, 2004 were approved on this the 29th day of July, 2004 on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.